IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	YOUNG, Alan, et al.
Application No.	09/728,471
Filed:	November 30, 2000
For:	**SYSTEM AND METHOD FOR PERFORMING AN ELECTRONIC TRANSACTION USING A TRANSACTION PROXY WITH AN ELECTRONIC WALLET**
Examiner:	Jasmin, Lynda C.
Group Art Unit:	3627

AMENDED APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Amended Appeal Brief under 37 C.F.R. § 41.37 in connection with the decision of the Examiner mailed on November 30, 2005 and is mailed in response to the Examiner's second Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed July 11, 2007 in which the Examiner claims that the Reply to Notification of Non-Compliant Appeal Brief Under MPEP 1205.03(B) filed on April 23, 2007 in response to the Examiner's first Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed March 21, 2007 was defective.

In the Examiner's first Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed March 21, 2007, the Examiner claimed that the Appeal Brief filed on November 17, 2006, was defective for failure to include a proper "Summary of Claimed Subject Matter" section. While the "Summary of Claimed Subject Matter" section included in the Appeal Brief as originally filed separately mapped each and every element of each and every independent claim to the specification by page and line number and to the drawings in full compliance with 37 CFR 41.37(c)(l)(v) and was entirely proper, in keeping with the mandate

of MPEP 1205.03, the Reply To Notification Of Non-Compliant Appeal Brief was filed under MPEP 1205.03(B) as a 'paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v)' in lieu of 'an entire new brief' under MPEP 1205.03(B)'.

In the Examiner's second Notification of Non-Compliant Appeal Brief (37 CFR 41.37), while acknowledging that "The section entitled 'Summary of Claimed Subject Matter' is proper as submitted..." in the Reply To Notification Of Non-Compliant Appeal Brief on April 23, 2007, the Examiner now claims in the second Notification of Non-Compliant Appeal Brief that an entire new brief must be filed in total disregard of MPEP 1205.03(B) which provides:

> (B) When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and § 711.02(b).

While MPEP 1205.03(B) admonishes against filing an entire new brief, this Amended Appeal Brief is filed in keeping with the Examiner's mandate.

It is not believed that any additional fees are due, but if so, please charge any deficiency to Deposit Account No. 50-1458.

This Amended Appeal Brief fully complies with all provisions of 37 CFR 41.37(c) and each of the topics required by § 41.37 is presented herewith and is labeled appropriately. It is not believed that any additional fees are due, but if so, please charge any deficiency to Deposit Account No. 50-1458.

(1) Real Party In Interest

The real party in interest is Citibank, N.A.

(2) Related Appeals And Interferences

There are no other appeals or interferences related to this case.

(3) Status of Claims

Claims 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46, and 62-69 are pending and all have been rejected.

Claims 2, 3, 8, 11, 13, 17-22, 24, 26-45, 47-61, and 70 have been canceled.

No claims have been allowed.

No claims have been withdrawn.

Claims 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46, and 62-69 are hereby appealed.

(4) Status of Amendments

There are no amendments after final rejection.

(5) Summary of Claimed Subject Matter

Independent claim 1 proposes a method of operating a computer system for data management of an electronic transaction that involves receiving in a transaction portal server via a wireless communication switching facility coupled to the transaction portal server over a global network a unique product and merchant identifying code entered by a customer on a wireless communication device coupled to the wireless communication switching facility and identifying a product and a merchant associated with the product and merchant identifying code by the transaction portal server from a database of the transaction portal server storing product and merchant identifying code data for a plurality of merchants (See, e.g., Specification, p. 9, lines 1-18; p. 13, line 26-p. 15, line 22 and Figs. 1-3). By way of explanation, referring to FIG. 1, according to embodiments of the invention, an individual 5 is furnished an electronic communications device 10, such as a mobile telephone 10, that is interface enabled in that it includes the hardware, communications software, and browser software needed to access, receive, and browse content from the Internet, which mobile telephone 10 includes a display screen for displaying content from the Internet. The mobile telephone 10 is in communication with a wireless gateway 12 that includes, e.g., a mobile switching center and communication facilities allowing the gateway to communicate via a

computer network, such as the Internet. The wireless gateway 12 is in communication via the Internet with a transaction portal server 14 which includes, e.g., files (software) comprising an electronic transaction portal 15. (See, e.g., Specification, p. 9, lines 1-18 and Figs. 1-3).

By way of further explanation, in embodiments of the invention, a product code is associated with at least some of the products offered for purchase by the merchant 42, e.g., beside a picture of a product in a catalog or on web pages. Examples of product codes include unique identifying numbers for each product or short-hand descriptions or brand names of products, alphanumeric codes, or other identifiers. Embodiments of the invention provide additional digits to the front end of a conventional code, e.g., in order to identify the specific merchant, so that the portal 17 can route the information to the specific merchant. Using an example of a consumer viewing a coat in a retail store, assume a product code of 11290529 is displayed next to the coat. The digits 112 indicate the particular merchant operating the retail store and associated with the merchant server 20 and the digits 90529 indicate a particular product, such as the coat. The consumer wishing to purchase the coat, activates the consumer's mobile telephone and accesses the transaction portal 15 present in the transaction portal server 24 via the mobile network by clicking on (or activating) an icon on the display screen of the mobile telephone associated with the portal 15. The consumer views content from the portal 15 on a display screen of the mobile telephone and is prompted to provide a product code of interest, in response to which the consumer enters product code data consisting of the product code, 11290529. The entered product code is transmitted by the mobile telephone 10 via the mobile network 30 to the transaction portal server 24, which determines the merchant associated with the product code received 45, e.g., by accessing a database in the transaction portal server storing merchant identifying information correlated with product codes. (See, e.g., Specification, p. 13, line 26-p. 15, line 22 and Figs. 1-3).

Independent claim 1 further proposes retrieving product information data by the transaction portal server from a product database of a merchant server coupled to the transaction portal server over the global network and displaying the product information data by the transaction portal server on a display screen of the wireless communication device for

the customer (See, e.g., Specification, p. 15, line 23-p. 16, line 10; and Figs. 1-3). By way of explanation, referring to FIG. 3 for embodiments of the invention, once the portal determines the merchant associated with the product code received 45, the portal 15 accesses a product data database at a web server of the merchant 20 via the Internet 46, which database contains information (e.g., a short description of the product, such as 'winter coat', a brand name of the product, a size, and a color) about the product associated with the 1129 product code, and the portal 15 retrieves that information from the database and sends the product data via the mobile network 30 to the mobile telephone 48, which displays the product data on the display screen of the mobile telephone for viewing by the consumer (See, e.g., Specification, p. 15, line 23-p. 16, line 10 and Figs. 1-3).

Independent claim 1 additionally proposes receiving by the transaction portal server the customer's indication to purchase the product entered by the customer on the wireless communication device and retrieving default payment method information for the customer by the transaction portal server from an electronic wallet server (See, e.g., Specification, p. 16, line 10-p. 17, line 7; and Figs. 1-3). By way of explanation, in embodiments of the invention, the consumer provides a signal to the portal using the mobile telephone indicating that the consumer wishes to purchase the indicated product, e.g., by pressing "1" on the consumer's mobile telephone in response to the display of the product data, and the mobile telephone 10 sends the purchase indication to the portal 15 via the mobile network 30. The portal 15 receives the purchase indication from the mobile telephone 10, and accesses an electronic wallet 17 of the mobile telephone user 52, which electronic wallet is located, e.g., on the transaction portal server. The purchase indication includes, e.g., identifying data for the electronic wallet 17 that allows the portal 15 to access the wallet 17 (e.g., IP address, user name, and password), which includes, e.g., payment data related to the user 5 previously entered by the user, such as a preferred method of payment comprising a credit card type, number, and expiration date for the user 5, and also contains shipping detail data (a shipping address), as well as user-identifying information (e.g., name and e-mail address) (See, e.g., Specification, p. 16, line 10-p. 17, line 7 and Figs. 1-3).

In addition, independent claim 1 proposes displaying the default payment information by the transaction portal server on the display screen of the wireless communication device for the customer and receiving payment option data comprising information describing a desired means of payment for the product by the transaction portal server entered by the customer on the wireless communications device (See, e.g., Specification, p. 17, line 7-p. 18, line 1; and Figs. 1-3). By way of explanation, in embodiments of the invention, the payment data from the wallet is displayed to the user 5 on the mobile telephone display, whereupon the user may select the information shown as correct (the shipping address and payment method) or may alter it to provide different shipping detail data and different method of payment selection. In addition, the wallet may contain previously-entered information related to various payment options (e.g., various credit card numbers and related information, and various debit card numbers and related information), and the user may choose from any one of the shown options, or enter a new method of payment. The shipping detail data and payment option data comprising data reflecting desired means of payment is sent from the mobile telephone 10 via the mobile network 30 to the portal 15, which receives the shipping detail data and payment option data reflecting the desired means of payment (credit card) from the mobile telephone 54, 56 (See, e.g., Specification, p. 17, line 7-p. 18, line 1; and Figs. 1-3).

Independent claim 1 also proposes transmitting payment authorization data to a payment processor by the transaction portal server and receiving a payment authorization by the transaction portal server from the payment processor (See, e.g., Specification, p. 18, lines 1-10; and Figs. 1-3). By way of explanation, according to embodiments of the invention, the portal 15 transmits payment authorization to a payment processor, such as the issuer of the credit card reflected in the payment option data, which payment authorization includes data identifying the user (e.g., the name from the electronic wallet), data identifying the merchant from which the product is being purchased, and data relating to the product purchased (e.g., a purchase price and an identifier). The payment processor 18 receives the data and provides authorization to the portal 15 (See, e.g., Specification, p. 18, lines 1-10; and Figs. 1-3).

Further, independent claim 1 proposes transmitting order information to a check-out application of the merchant server by the transaction portal server and causing the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server by the transaction portal server (See, e.g., Specification, p. 18, lines 11-24; and Figs. 1-3). By way of explanation, according to embodiments of the invention, the portal 15 transmits order information to the merchant 20, e.g., to the check-out application (software) residing on the merchant's web site. The portal 15 causes the wallet 17 to automatically complete the fields in the merchant's order fulfillment database. Order information includes purchaser identification (e.g., name, address, e-mail address), product identification (e.g., product code), shipping instructions (e.g., shipping address), the authorization from the issuer, and payment option data comprising description of the means of payment (e.g., credit card number, type, and expiration date) 60. The payment option data sent to the check-out application comprises information from the electronic wallet of the mobile telephone user 5. The electronic wallet of the user residing on the portal transmits the order information to the merchant 20 (See, e.g., Specification, p. 18, lines 11-24; and Figs. 1-3).

Independent claim 1 further proposes receiving by the transaction portal server order confirmation information from the merchant server and displaying the order confirmation information by the transaction portal server on the display screen of the wireless communication device for the customer (See, e.g., Specification, p. 18, lines 25-29; and Figs. 1-3). By way of explanation, in embodiments of the invention, the merchant 20 provides an order confirmation to the purchaser 62. The merchant provides a confirmation page showing a order identification number to the portal 15, which provides the page to the mobile telephone 10. (See, e.g., Specification, p. 18, lines 25-29; and Figs. 1-3).

Independent claim 46 proposes a computer system for data management of an electronic transaction involving a transaction portal server pre-programmed for receiving via a wireless communication switching facility coupled to the transaction portal server over a global network a unique product and merchant identifying code entered by a customer on a wireless communications device coupled to the wireless communication switching facility

and for identifying a product and a merchant associated with the product and merchant identifying code from a database of the transaction portal server storing product and merchant identifying code data for a plurality of merchants (See, e.g., Specification, p. 9, lines 1-18; p. 13, line 26-p. 15, line 22; and Figs. 1-3). As previously explained with reference to claim 1, by way of explanation, referring to FIG. 1 for embodiments of the invention, an individual 5 is furnished an electronic communications device 10, such as a mobile telephone 10, that is interface enabled in that it includes the hardware, communications software, and browser software needed to access, receive, and browse content from the Internet, which mobile telephone 10 includes a display screen for displaying content from the Internet. The mobile telephone 10 is in communication with a wireless gateway 12 which includes, e.g., a mobile switching center and communication facilities allowing the gateway to communicate via a computer network, such as the Internet. The wireless gateway 12 is in communication via the Internet with a transaction portal server 14 which includes, e.g., files (software) comprising an electronic transaction portal 15 (See, e.g., Specification, p. 9, lines 1-18 and Figs. 1-3).

As also previously explained with reference to claim 1, by way of further explanation, in embodiments of the invention, a product code is shown in association with at least some of the products offered for purchase by the merchant 42, e.g., beside a picture of a product in a catalog or on web pages. Examples of product codes include unique identifying numbers for each product or short-hand descriptions or brand names of products, alphanumeric codes, or other identifiers. Embodiments of the invention provide additional digits to the front end of a conventional code, e.g., in order to identify the specific merchant, so that the portal 17 can route the information to the specific merchant. Using an example of a consumer viewing a coat in a retail store, assume a product code of 11290529 is displayed next to the coat. The digits 112 indicate the particular merchant operating the retail store and associated with the merchant server 20 and the digits 90529 indicate a particular product which is the coat. The consumer wishing to purchase the coat, activates the consumer's mobile telephone and accesses the transaction portal 15 present in the transaction portal server 24 via the mobile network by clicking on (or activating) an icon on the display screen of the mobile telephone

associated with the portal 15. The consumer views content from the portal 15 on a display screen of the mobile telephone and is prompted to provide a product code of interest, in response to which the consumer enters product code data consisting of the product code, 11290529. The entered product code is transmitted by the mobile telephone 10 via the mobile network 30 to the transaction portal server 24, which determines the merchant associated with the product code received 45, e.g., by accessing a database in the transaction portal server storing merchant identifying information correlated with product codes. (See, e.g., Specification, p. 13, line 26-p. 15, line 22 and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for retrieving product information data from a product database of a merchant server coupled to the transaction portal server over the global network and for displaying the product information on a display screen of the wireless communications device for the customer (See, e.g., Specification, p. 15, line 23-p. 16, line 10; and Figs. 1-3). As likewise previously explained with reference to claim 1, by way of explanation, referring to FIG. 3 for embodiments of the invention, once the portal determines the merchant associated with the product code received 45, the portal 15 accesses a product data database at a web server of the merchant 20 via the Internet 46, which database contains information (e.g., a short description of the product, such as 'winter coat', a brand name of the product, a size, and a color) about the product associated with the 1129 product code, and the portal 15 retrieves that information from the database and sends the product data via the mobile network 30 to the mobile telephone 48, which displays the product data on the display screen of the mobile telephone for viewing by the consumer (See, e.g., Specification, p. 15, line 23-p. 16, line 10 and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for receiving the customer's indication to purchase the product entered by the customer on the wireless communication device and for retrieving default payment method information for the customer from an electronic wallet server (See, e.g., Specification, p. 16, line 10-p. 17, line 7; and Figs. 1-3). As also previously explained with reference to claim 1, by way of explanation, in embodiments of the invention, the consumer provides a signal to

the portal using the mobile telephone indicating that the consumer wishes to purchase the indicated product. e.g., by pressing "1" on the consumer's mobile telephone in response to the display of the product data, and the mobile telephone 10 sends the purchase indication to the portal 15 via the mobile network 30. The portal 15 receives the purchase indication from the mobile telephone 10, and accesses an electronic wallet 17 of the mobile telephone user 52, which electronic wallet is located, e.g., on the transaction portal server. The purchase indication includes, e.g., identifying data for the electronic wallet 17 that allows the portal 15 to access the wallet 17 (e.g., IP address, user name, and password), which includes, e.g., payment data related to the user 5 previously entered by the user, such as a preferred method of payment comprising a credit card type, number, and expiration date for the user 5, and also contains shipping detail data (a shipping address), as well as user-identifying information (e.g., name and e-mail address) (See, e.g., Specification, p. 16, line 10-p. 17, line 7 and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for displaying the default payment information on the display screen of the wireless communication device for the customer and for receiving payment option data comprising information describing a desired means of payment for the product entered by the customer on the wireless communications device (See, e.g., Specification, p. 17, line 7-p. 18, line 1; and Figs. 1-3). As further previously explained with reference to claim 1, by way of explanation, in embodiments of the invention, the payment data from the wallet is displayed to the user 5 on the mobile telephone display, whereupon the user may select the information shown as correct (the shipping address and payment method) or may alter it to provide different shipping detail data and different method of payment selection. In addition, the wallet may contain previously-entered information related to various payment options (e.g., various credit card numbers and related information, and various debit card numbers and related information), and the user may choose from any one of the shown options, or enter a new method of payment. The shipping detail data and payment option data comprising data reflecting desired means of payment is sent from the mobile telephone 10 via the mobile network 30 to the portal 15, which receives the shipping detail data and

payment option data reflecting the desired means of payment (credit card) from the mobile telephone 54, 56 (See, e.g., Specification, p. 17, line 7-p. 18, line 1; and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for transmitting payment authorization to a payment processor and for receiving a payment authorization from the payment processor (See, e.g., Specification, p. 18, lines 1-10; and Figs. 1-3). As explained with reference to claim 1, by way of explanation, according to embodiments of the invention, the portal 15 transmits payment authorization to a payment processor, such as the issuer of the credit card reflected in the payment option data, which payment authorization includes data identifying the user (e.g., the name from the electronic wallet), data identifying the merchant from which the product is being purchased, and data relating to the product purchased (e.g., a purchase price and an identifier). The payment processor 18 receives the data and provides authorization to the portal 15 (See, e.g., Specification, p. 18, lines 1-10; and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for transmitting order information to a check-out application of the merchant server and causing the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server (See, e.g., Specification, p. 18, lines 11-24; and Figs. 1-3). As also previously explained with reference to claim 1, by way of explanation, according to embodiments of the invention, the portal 15 transmits order information to the merchant 20, e.g., to the check-out application (software) residing on the merchant's web site. The portal 15 causes the wallet 17 to automatically complete the fields in the merchant's order fulfillment database. Order information includes purchaser identification (e.g., name, address, e-mail address), product identification (e.g., product code), shipping instructions (e.g., shipping address), the authorization from the issuer, and payment option data comprising description of the means of payment (e.g., credit card number, type, and expiration date) 60. The payment option data sent to the check-out application comprises information from the electronic wallet of the mobile telephone user 5. The electronic wallet of the user residing on the portal transmits the order information to the merchant 20 (See, e.g., Specification, p. 18, lines 11-24; and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for receiving order confirmation information from the merchant server and displaying the order confirmation information on the display screen of the wireless communication device for the customer (See, e.g., Specification, p. 18, lines 25-29; and Figs. 1-3). As likewise previously explained with reference to claim 1, by way of explanation, in embodiments of the invention, the merchant 20 provides an order confirmation to the purchaser 62. The merchant provides a confirmation page showing a order identification number to the portal 15, which provides the page to the mobile telephone 10. (See, e.g., Specification, p. 18, lines 25-29; and Figs. 1-3).

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46, and 62-69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wharton (U.S. Appln No. 2005/0027610) in view of Arunachalam (U.S. Appln No. 2003/006922).

(7) Argument

The Rejection of Claims 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46, and 62-69 under 35 U.S.C. 103(a) as being unpatentable over Wharton (U.S. Appln No. 2005/0027610) in view of Arunachalam (U.S. Appln No. 2003/006922) is Improper

With regard to independent claims 1and 46, the Examiner considers that Wharton discloses each and every element of each of claims 1 and 46 except:

- transmitting order information to a check-out application of the merchant server by the transaction portal server and causing the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server by the transaction portal server, as recited in claims 1 and/or 46, which the Examiner considers to be taught by Arunachalam, and
- receiving by the transaction portal server order confirmation information from the merchant server and displaying the order confirmation information by the transaction portal server on the display screen of the wireless communication device for the

customer, as recited in claims 1 and/or 46, which the Examiner also considers to be taught by Arunachalam.

On the contrary, the proposed modification of Wharton in view of Arunachalam lacks one or more limitations recited in each of independent claims 1and/or 46 in at least the following respects:

- Wharton fails to teach or suggest a transaction portal server that receives a unique product and merchant identifying code entered by the customer on a wireless communication device, that identifies a product and merchant associated with the code from a database of the transaction portal server, that retrieves product information data from a product database of a merchant server, and that displays the product information data on a display screen of the wireless communication device for the customer, as recited in claims 1 and/or 46. On the contrary, the customer in Wharton communicates directly with the merchant's server (rather than the transaction processor) by clicking on a hyperlink selection of an electronic commerce portal and interacting directly with the merchant's server to conduct a local search and retrieval operation for the product on the merchant's local product catalog (See, e.g., Wharton, paras. 0036-0038).
- Wharton also fails to teach or suggest a transaction portal server that receives the customer's indication to purchase the product entered on the wireless communication device, that retrieves default payment method information for the customer from an electronic wallet server, and that displays the default payment information on the display screen of the wireless communication device for the customer, as also recited in claims 1 and/or 46. On the contrary, the customer in Wharton saves his/her product selection to a local shopping basket on the merchant's server (rather than the transaction processor), which sends a "transaction packet" to the transaction processor and navigates the customer back to the electronic commerce portal, which then notifies the transaction processor, which transaction processor in turn prompts the electronic commerce portal for customer-specific payment information, such as credit card number and expiration date (See, e.g., Wharton, paras. 0038-0041).

- As admitted by the Examiner, Wharton likewise fails to teach or suggest a transaction portal server that transmits order information to a check-out application of the merchant server and causes an electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server, as additionally recited in claims 1 and/or 46. On the contrary, in Wharton, the transaction processor itself via its backend processing (rather than via the merchant's server) processes the customer's checkout, including verifying the merchant and customer, accounting and billing, and order fulfillment (See, e.g., Wharton, paras. 0044-0053).

Arunachalam fails to cure the deficiencies of Wharton for at least the following reasons:

- Arunachalam fails to teach or suggest a transaction portal server that receives a unique product and merchant identifying code entered by the customer on a wireless communication device, that identifies a product and merchant associated with the code from a database of the transaction portal server, that retrieves product information data from a product database of a merchant server, and that displays the product information data on a display screen of the wireless communication device for the customer, as recited in claims 1 and/or 46. On the contrary, the customer in Arunachalam uses the customer's access device to communicate directly with the merchant's node (rather than the transaction processor) by accessing the hub which connects the customer to the service provider's node in response to the customer's request (See, e.g., Arunachalam, paras. 0051, 0052, 0096, and 0097).
- Arunachalam also fails to teach or suggest a transaction portal server that receives the customer's indication to purchase the product entered on the wireless communication device, that retrieves default payment method information for the customer from an electronic wallet server, and that displays the default payment information on the display screen of the wireless communication device for the customer, as also recited in claims 1 and/or 46. On the contrary, the customer in Arunachalam uses the

customer's access device to communicate a request to buy a product to the merchant's node (rather than the transaction processor), which connects to a database to obtain and update inventory information and then notifies the hub that the purchase is complete, whereupon the hub connects the customer to a credit card processor node based on a credit card account furnished by the customer over the customer's access device (See, e.g., Arunachalam, paras. 0097-0098).

- Arunachalam likewise fails to teach or suggest a transaction portal server that transmits order information to a check-out application of the merchant server and causes an electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server, as additionally recited in claims 1 and/or 46. On the contrary, in Arunachalam, the credit card node itself (rather than via the merchant's server) processes the credit card payment based on the customer-supplied credit card account and notifies the hub when the processing is complete, whereupon the hub connects the customer to a shipper's node, which arranges shipping according to particulars furnished by the customer over the customer's access device and notifies the hub, which notifies the customer via the customer's access device that the transaction is complete (See, e.g., Arunachalam, paras. 0044-0053).

Consequently, Wharton and/or Arunachalam, separately or in combination with one another, do not recite the required combination of limitations of amended independent claims 1 and/or 46. Because each and every element as set forth in amended independent claims 1 and/or 46 is not found, either expressly or inherently in Wharton and/or Arunachalam, the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1 and 46 and similarly has failed to establish a *prima facie* case of unpatentability for claims 4-7, 9, 10, 12, 14-16, 23, 25, and 62-69 that depend on claim 1 and which recite further specific elements that have no reasonable correspondence with the references.

(9) Conclusion

For at least the reasons given above, the rejection of claims 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46, and 62-69 is improper. Applicants respectfully request the final rejection by the Examiner be reversed and claims 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46, and 62-69 be allowed.

Respectfully submitted,

Date: 8/10/07 By: _____
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Catherine A. Johnson

(8) Claims Appendix

1. A method of operating a computer system for data management of an electronic transaction comprising:

receiving in a transaction portal server via a wireless communication switching facility coupled to the transaction portal server over a global network a unique product and merchant identifying code a entered by a customer on a wireless communication device coupled to the wireless communication switching facility and identifying a product and a merchant associated with the product and merchant identifying code by the transaction portal server from a database of the transaction portal server storing product and merchant identifying code data for a plurality of merchants;

retrieving product information data by the transaction portal server from a product database of a merchant server coupled to the transaction portal server over the global network and displaying the product information data by the transaction portal server on a display screen of the wireless communication device for the customer;

receiving by the transaction portal server the customer's indication to purchase the product entered by the customer on the wireless communication device and retrieving default payment method information for the customer by the transaction portal server from an electronic wallet server;

displaying the default payment information by the transaction portal server on the display screen of the wireless communication device for the customer and receiving payment option data comprising information describing a desired means of payment for the product by the transaction portal server entered by the customer on the wireless communications device;

transmitting payment authorization data to a payment processor by the transaction portal server and receiving a payment authorization by the transaction portal server from the payment processor;

transmitting order information to a check-out application of the merchant server by the transaction portal server and causing the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server by the transaction portal server; and

receiving by the transaction portal server order confirmation information from the merchant server and displaying the order confirmation information by the transaction portal server on the display screen of the wireless communication device for the customer .

4. The method of claim 1 further comprising receiving customer identification information.

5. The method of claim 4 further comprising determining an electronic wallet application on the electronic wallet server associated with the customer identification information.

6. The method of claim 5 further comprising accessing the electronic wallet application associated with the customer identification information on the electronic wallet server.

7. The method of claim 6 wherein receiving payment option data comprising information describing the desired means of payment for the product comprises accessing the electronic wallet application associated with the customer identification information on the electronic wallet server.

9. The method of claim 7 wherein the product information comprises the price of the product.

10. The method of claim 7 wherein the product information comprises at least one of the following: price of the product, description of attributes of the product, brand name of the product, and name of the product.

12. The method of claim 4 wherein receiving customer identification information comprises receiving customer identification information from the wireless communications device.

14. The method of claim 12 wherein the wireless communications device comprises a web browser.

15. The method of claim 14 wherein the wireless communications device comprises a wireless telephone.

16. The method of claim 14 wherein the wireless communications device comprises at least one of the following: a telephone, a personal computer, and a personal digital assistant.

23. The method of claim 1 wherein the transaction portal server is in communication with at least two merchant servers.

25. The method of claim 1 wherein the default payment method for the product comprises a credit card.

46. A computer system for data management of an electronic transaction comprising:

a transaction portal server pre-programmed for receiving via a wireless communication switching facility coupled to the transaction portal server over a global network a unique product and merchant identifying code entered by a customer on a wireless communications device coupled to the wireless communication switching facility and for identifying a product and a merchant associated with the product and merchant identifying code from a database of the transaction portal server storing product and merchant identifying code data for a plurality of merchants;

wherein the transaction portal server is further pre-programmed for retrieving product information data from a product database of a merchant server coupled to the transaction

portal server over the global network and for displaying the product information on a display screen of the wireless communications device for the customer;

wherein the transaction portal server is further pre-programmed for receiving the customer's indication to purchase the product entered by the customer on the wireless communication device and for retrieving default payment method information for the customer from an electronic wallet server;

wherein the transaction portal server is further pre-programmed displaying the default payment information on the display screen of the wireless communication device for the customer and for receiving payment option data comprising information describing a desired means of payment for the product entered by the customer on the wireless communications device;

wherein the transaction portal server is further pre-programmed for transmitting payment authorization to a payment processor and for receiving a payment authorization from the payment processor;

wherein the transaction portal server is further pre-programmed for transmitting order information to a check-out application of the merchant server and causing the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server; and

wherein the transaction portal server is further pre-programmed for receiving order confirmation information from the merchant server and displaying the order confirmation information on the display screen of the wireless communication device for the customer.

62. The method of claim 1 further comprising entering into a joint venture between a provider of the transaction portal server and a provider of the wireless communication switching facility.

63. The method of claim 62 further comprising providing the transaction portal server in communication with the wireless communication switching facility.

64. The method of claim 63 further comprising providing the customer access to the transaction portal server.

65. The method of claim 64 further comprising receiving by the operator of the wireless communication switching facility billing data reflecting a transaction between the merchant and the customer and providing a bill to the customer comprising the billing data.

66. The method of claim 65 wherein the bill further comprises billing for communications services.

67. The method of claim 66 wherein communications services comprises mobile telephone service.

68. The method of claim 67 wherein the provider of the wireless communication switching facility comprises a mobile telephone network operator.

69. The method of claim 68 wherein the provider of the transaction portal server comprises a bank.

(9) Evidence Appendix

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 and no other evidence entered by the examiner and relied on by appellant in the appeal.

(10) Related Proceedings Appendix

There are no other decisions rendered by a court or the Board in any other appeals or interferences related to this case.